

SENATE BILL 3728
By Bowers

AN ACT to amend Tennessee Code Annotated, Title 46,
relative to access to cemeteries and graves on
private property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 46, is amended by adding Sections 2 through 7 as a new chapter thereto.

SECTION 2. This chapter recognizes that owners of private property upon which a cemetery or graves are located have a duty to allow ingress and egress to the cemetery or graves by family members, descendants and close friends of deceased persons buried there, and to persons engaging in genealogical research.

SECTION 3. For the purposes of this chapter, unless the context otherwise requires:

(1) "Cemetery" means any land or structure in this state dedicated to and used, or intended to be used, for interment of human remains;

(2) "Grave" means a space of ground used for lawful interment of human remains; and

(3) "Human remains" or "remains" means the body of a deceased person and includes the body in any stage of decomposition and cremated remains.

SECTION 4.

(a) Eligible persons who want to exercise ingress and egress to a cemetery or to graves on private property shall give reasonable notice to the owner of record, to the occupant of the property, or both.

(b) Access to the cemetery or graves may be designated by the landowner if no access route is obviously visible by a view of the property.

SECTION 5. Eligible persons may exercise ingress and egress only for the purposes of:

- (1) Visiting graves;
- (2) Maintaining the grave site or cemetery;
- (3) Burying human remains in a cemetery plot by those persons granted rights of burial to such cemetery plot; and
- (4) Conducting genealogical research.

SECTION 6. All persons exercising access to a cemetery or to graves pursuant to this chapter shall conduct themselves in a manner that does not damage private properties, the cemetery or graves. All such persons are liable to the owner of private properties for any damage occurring from their ingress to or egress from the cemetery or graves.

SECTION 7. Any eligible person denied reasonable access to a cemetery or graves located on private property, including the denial to use a vehicle on such property, may institute a proceeding in the chancery court of the county in which the cemetery or graves are located to enjoin the owner of the private property, or the occupant of such property, from denying the claimant reasonable ingress and egress to the cemetery or graves for the purposes set out in Section 5 of this act. In granting injunctive relief, the chancery court may set the frequency of access, as well as the hours and duration of access.

SECTION 8. This act shall take effect July 1, 2006, the public welfare requiring it.